

FILED

Magistrate Docket No. 08 MJ 0471


CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326 DEPUTY

Deported Alien Found in the United States

DEPUTY


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF FEBRUARY
2008


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose HERNANDEZ-Ledesma****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On February 17, 2008, Border Patrol Agent S. Kennerson, was conducting line watch operations in the Imperial Beach Border Patrol Station area of operations. At approximately 6:20 A.M., inside scope relayed via service radio of a group of seven individuals running towards the rim of "Spooner's Mesa". "Spooner's Mesa" is approximately 4 miles west of the San Ysidro, California Port of Entry and approximately 200 yards north of the United States/Mexico International Boundary.

Agent Kennerson responded to the area and searched the surrounding area. After this brief search, Agent Kennerson discovered seven individuals attempting to conceal themselves in some brush. Border Patrol Agent Kennerson identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All seven individuals, including one later identified as the defendant **Jose HERNANDEZ-Ledesma** freely admitted to being citizens and nationals of Mexico, not in possession of any immigration documents that would allow them to legally enter or remain in the United States. Agent Kennerson arrested all seven individuals at approximately, 6:30 A.M., and arranged for their transport to the Imperial Beach Border Patrol Station for processing.

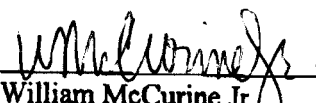
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 17, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

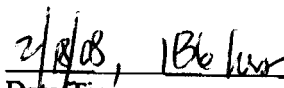
The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on February 18, 2008 at 9:30 A.M.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 17, 2008, in violation of Title 8, United States Code, Section 1326.


William McCurine Jr.
United States Magistrate Judge


Date/Time